

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

HAROLD B. MORLEY  
Plaintiff

v.

SCOTT RAYMOND WAGNER and  
KBS, INC.  
Defendants

CIVIL ACTION NO. 1:21-CV-02694

JURY TRIAL DEMANDED

**DEFENDANTS' AMENDED ANSWER WITH AFFIRMATIVE  
DEFENSES TO PLAINTIFFS' AMENDED COMPLAINT AND  
ELECTION FOR JURY TRIAL**

AND NOW, Defendants Scott Raymond Wagner and KBS, Inc., (hereinafter "Defendants") by and through their attorneys, John F. Yaninek and Thomas, Thomas & Hafer, LLP, file this Answer with Affirmative Defenses to Plaintiff's Complaint, and state as follows:

**Parties**

1. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 1 of the Complaint. Based on knowledge and belief, Defendants aver that Plaintiff is a resident of the state of Michigan.

2. Denied. It is specifically denied that Scott Raymond Wagner is a resident of the state of Pennsylvania. He is a resident of the state of Florida. Further, Pennsylvania is a Commonwealth.

3. Admitted in part and denied in part. It is admitted that KBS is a Pennsylvania Corporation, and conducts regular business in the state of Maryland. KBS, Inc. does business in Talbot County, Maryland. However, it is specifically denied as to whether this can be concluded as “regular business.” This is a legal conclusion.

4. Admitted.

### Factual Background

5. Admitted in part and denied in part. It is admitted that a motor vehicle collision occurred on May 8, 2021 between the Plaintiff and Defendant Scott Raymond Wagner on Route 33 at mile point 16.24. It is denied that Defendant Scott Raymond Wagner was negligent or reckless causing the collision.

6. Denied. It is specifically denied that Defendant Scott Raymond Wagner was operating as an agent, servant and/or employee of Defendant KBS, Inc. To the contrary, at the time of the accident, Defendant Scott Raymond Wagner was using the vehicle in question for his personal use and not as an agent, servant or employee of Defendant KBS, Inc.

7. Denied.

8. Denied.

9. Denied.

WHEREFORE, Defendants Scott Raymond Wagner and KBS, Inc. demand judgment in their favor and against Plaintiff with cost of suit.

**AFFIRMATIVE DEFENSES**

Defendants plead the Affirmative Defenses of contributory negligence, assumption of risk, statute of limitations, estoppel, fraud, illegality, failure to mitigate payment, release, *res judicata* and waiver.

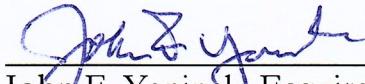
WHEREFORE, Defendants Scott Raymond Wagner and KBS, Inc. demand judgment in their favor and against Plaintiff with cost of suit.

Respectfully submitted,

**THOMAS, THOMAS & HAVER, LLP**

Dated: 11/15/21

By:

  
John F. Yaninek, Esquire  
MD Attorney No. 25266  
PO Box 999  
Harrisburg, PA 17108-0999  
(717) 441-3952  
[jyaninek@tthlaw.com](mailto:jyaninek@tthlaw.com)  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

I, April Casper, of the law firm of Thomas, Thomas & Hafer, LLP, hereby state that a true and correct copy of the foregoing document(s) was served upon the following by electronic filing:

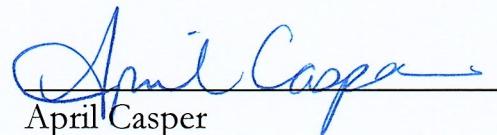
Paul D. Bekman, Esquire  
**Bekman, Marder, Hopper, Malarkey & Perlin, LLC**  
[bekman@bmalawfirm.com](mailto:bekman@bmalawfirm.com)

Clark O. Brewster, Esquire  
Guy Fortney, Esquire  
**Brewster & De Angelis, PLLC**  
[Cbrewster@brewsterlaw.com](mailto:Cbrewster@brewsterlaw.com)  
[Gfortney@brewsterlaw.com](mailto:Gfortney@brewsterlaw.com)

**THOMAS, THOMAS & HAVER, LLP**

Date: 11/15/21

By:

  
April Casper

HAROLD B. MORLEY  
Plaintiff

v.

SCOTT RAYMOND WAGNER and  
KBS, INC.  
Defendants

CIVIL ACTION NO. 1:21-CV-02694

JURY TRIAL DEMANDED

**ELECTION FOR JURY TRIAL**

**TO THE CLERK:**

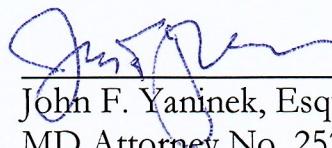
The Defendants elect to have this case tried before a jury.

Respectfully submitted,

**THOMAS, THOMAS & HAVER, LLP**

Dated: 11/15/21

By:



John F. Yaninek, Esquire  
MD Attorney No. 25266  
PO Box 999  
Harrisburg, PA 17108-0999  
(717) 441-3952  
[iyaninek@tthlaw.com](mailto:iyaninek@tthlaw.com)  
Counsel for Defendants